



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
REGULAR MEETING,
CONDITIONAL USE HEARINGS

February 16, 2016 (Tuesday)
7:00 p.m.

Approved

In Attendance:

Board of Supervisors

Guy A. Donatelli, Chair
Kevin C. Kerr, Vice-Chair
Jamie W. Goncharoff, Member

Township Administration

Cary B. Vargo, Township Manager
Gwen A. Jonik, Township Secretary
Jill Bukata, Township Treasurer
Mike Heckman, Director of Public Works
Al Gaspari, Codes Administrator
Dave Leh, P.E., Township Engineer
Chris Williams, McMahon Associates

Kristin Camp, Esq., Township Solicitor (8:25)
Arlene LaRosa, Court Stenographer (8:05)

Mr. Donatelli called the meeting to order at 7:00 p.m., led the Pledge of Allegiance, and offered a moment of silence.

Approval of Minutes

Mr. Kerr moved, seconded by Mr. Goncharoff, to approve as presented the minutes of the January 19, 2016 Board of Supervisors meeting. The Motion carried unanimously.

Approval of Payments

Mr. Kerr moved, seconded by Mr. Goncharoff, to pay all vendors as listed. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported that January is slow for revenues so expenses outweighed revenues; the Finance Department is busy late February / early March processing sewer and trash account payments; \$300,000 was transferred to the Sewer Fund for Phase II Expansion Project expenses.

Supervisor's Report

Guy Donatelli advised that the Board met with Cathy Tomlinson regarding her interest in serving on the Emergency Management Planning Commission (EMPC). Jamie Goncharoff, EMPC Chair, endorses her participation on the Commission. Mr. Kerr moved, seconded by Mr. Goncharoff, to appoint Cathy Tomlinson to the EMPC. Her term would expire December 31, 2018. The Motion carried unanimously.

Mr. Donatelli read the published calendar as follows: March 8, 2016 4:00 PM Board of Supervisors Workshop; March 21, 2016 7:00 PM Board of Supervisors' Meeting; March 25, 2016 Office Closed – Good Friday; and Yard Waste Collection Dates are February 17, March 2 and March 16.

Mr. Donatelli announced the Township is hosting an Electronics Recycling (E-Waste) Event March 12, at the Public Works facility. The event is free except for disposal of CRT TVs and CRT monitors.

Administration Reports

Public Works Department Report

Mike Heckman reported the Department has responded to 3 snow/ice events since the last meeting. Responding to winter storm 'Jonas' (@ 24" snow) was expensive because it was all over-time hours -- Friday evening through Monday. There were equipment failures which totaled \$4,200 in repairs; outside contractors assisted. The Supervisors commended the crew for their response. Mr. Donatelli asked if there would be any reimbursement due to the passing a Declaration of Emergency Resolution. Jill Bukata believes the response totaled \$81,000.00. The Department is prepared for future storms – equipment is repaired and materials are restocked; other activities over the month included the maintenance and repair of Administrative vehicles.

Mr. Heckman encourages residents to inspect their mailboxes for sturdy posts and they should set back 16" from the curb. There is no parking on the streets during snow events.

The Department has hired a part-time administrative assistant and offered 2 positions in the Facilities Division – one for wastewater facilities, one for parks.

Township Engineer's Report

Dave Leh reported that Toll Brothers had submitted revised Final Land Development Plans for the Frame Property, which the Township Engineers and Planning Commission reviewed and recommended Final Approval for the Board's consideration in March. Following a January 25 meeting, Gunner Properties (270-290 Park Road) submitted revised Conditional Use and Land Development Plans. T.R. Moser Inc. has submitted a request to amend the zoning map for the Marsh Lea Tract, modifying an approved Plan from years ago.

Building Department/Codes Report

Al Gaspari reported that 33 building permits were issued in January, totaling \$19,195.00 in permit fees. The Harley Davidson Dealer and Wawa are undergoing renovations – Wawa can sell gas during their renovations; there's a new business in the Township, "Hohman & Barnard", a building materials manufacturer; the Public Works crew will assist with renovating the restrooms in Hickory Park; the annual Township Block Party is June 18, 6:00 – dark.

Police Department Report

Cary Vargo reported on Chief DeMarco's behalf that 1,339 calls were received, including 9 reported crimes, 10 criminal arrests, and 92 traffic citations issued.

Land Development

Toll Brothers has requested an escrow release of \$916,170.76 for wastewater infrastructure constructed in Ewing Phase 1 / 2A in West Vincent Township. Cary Vargo reported that ARRO reviewed the request and recommends the release. Mr. Kerr moved, seconded by Mr. Goncharoff, to recommend to the West Vincent Township Board of Supervisors that \$916,170.76 be released to Toll. The Motion carried unanimously.

ADMINISTRATION

Resolution-Chester County's Updated Hazard Mitigation Plan. Mr. Donatelli introduced a Resolution to adopt the County's updated Multi-Jurisdictional Hazard Mitigation Plan, which is to be updated every five years. Mr. Goncharoff advised that the Township's Emergency Management Planning Commission reviewed the updated Plan, which is beneficial to the County and each Municipality, and recommends adopting the Resolution. The Hazard Mitigation Plan is available on the County's website. Mr. Donatelli moved, seconded by Mr. Goncharoff, to adopt Township Resolution #02-16-16-02, which adopts the 2015 Chester County Multi-Jurisdictional Hazard Mitigation Plan. The Motion carried unanimously.

Sunoco Right-Of-Way Agreements. Sunoco Pipeline is seeking additional width of right-of-way along existing lines running through Field 4 in Hickory Park, for their Mariner II and III projects. Mr. Vargo advised that compensation for the additional right-of-way was negotiated for the same rate as the Columbia Gas Pipeline project, and a condition of the Agreement is that Sunoco has to return to the Township for approval if Horizontal Directional Drilling (HDD) doesn't work in the Park and conventional methods of drilling are needed.

The Board asked if we are limiting the hours they're able to work, to avoid noise issues 'after hours'. Mr. Vargo advised that yes, changes to noise regulations will be before the Board for consideration at their March meeting. The regulations will identify specific work hours for weekdays and Saturdays, and none on Sundays.

Mr. Kerr moved, seconded by Mr. Goncharoff, to authorize execution of the Sunoco Right-of-Way Agreements by Mr. Vargo. Mr. Goncharoff commented that if any residents are approached for right-of-way, it can be challenged from an eminent domain aspect.

Steve McNaughton asked if the compensation compared with Columbia's HDD project, to which Mr. Vargo replied it was the same dollars per foot; Bob McHugh asked what work hours were going to be allowed, to which Mr. Vargo replied Monday – Friday 7:00 AM – 7:00 PM and Saturday 9:00 AM – 5:00 PM. It was suggested that a map of the rights-of-way through Hickory Park be posted on the Township website. Mr. Vargo replied to a question regarding decibel levels, that we're not sure what the decibel level is while they're drilling and we might not have authority to restrict the noise level.

The Motion to authorize execution of the Agreements carried unanimously.

Upper Uwchlan Township Police Association Contract. Mr. Donatelli advised that 3-year contract with the Police Association, which expires December 2017, has been approved by the Association and is before the Board for approval. The contract includes disability healthcare, salary increases, defined pension contribution rates, etc. Mr. Donatelli moved, seconded by Mr. Kerr, to approve the final Police Association Contract which expires December 31, 2017. The Motion carried unanimously.

Open Session

Steve McNaughton questioned if existing outside storage tanks are going to be investigated to assure that this doesn't continue to happen. Mr. Donatelli believes the few tanks that exist were simply missed. Mr. Vargo commented the tanks will be inventoried and we'll seek advice as to what information we need to have on file regarding those tanks. Mr. McNaughton commented that he's done some research that he'd like to share with the Board.

Steve McNaughton commented that he thinks the Board is going to move forward with approving the outside storage tank ordinance amendment and he'd like to know what amount of outcry will sway the Board with this decision. Mr. Donatelli commented that he's impressed with the amount of discussion that's taking place and is continuing to weigh the comments and the democratic process; Mr. Goncharoff continues to be interested in the public's input, hasn't made any decision yet, welcomes further communications, and asks that the public continue their fact finding.

Jordan Thompson questioned what the "chemical plant" flyer is all about? Even if the current conditional use application was withdrawn, is the matter over? Mr. Donatelli advised that no, the matter isn't necessarily over as the Applicant could file another conditional use application or they might not. Now that we are aware of other tanks in existence, we'll be even more vigilant to make sure no other exterior tanks of any sort are placed. We do have a light manufacturing business that's interested in conducting that business in Upper Uwchlan and we're still

interested in them doing so. It was during the hearing about that use that this exterior storage tank issue came to be known and the Township wants to fix the ordinance to address this “hole” in the ordinance and consider potentially allowing for some outside storage. We’re hiring an outside expert to give us guidance about some of the chemicals that may be involved, for consideration as well. Additionally, DEP and EPA regulations are in place and in force with these businesses that have tanks in existence today.

Additional comments included the following. *Responses are in italics.*

Where should residents go for accurate information? *Sign up for “Notify Me” on the Township website, and check the website calendar and announcements frequently. Call or email the Staff.*

The applicant can reapply if the Board adopts the ordinance amendment.

The current ordinance prohibits tanks.

Would questions raised by residents at the Planning Commission meeting last week be answered tonight? *Residents can come and comment at any Board Workshop and Meeting during open session, and some answers aren’t yet available.*

A gentleman doesn’t agree with the LI zoning on Fellowship Road any more since all those homes and neighborhoods have been built in that area since it was zoned LI.

Eagleview Lot 1 building is under construction, but without their Conditional Use Application being granted, can they still manufacture in that building? *No, they need Conditional Use Approval to manufacture in that building.*

It seemed like Hankin started construction, then submitted the Conditional Use Application like it was a done deal, they’d get approval. *Hankin started construction @ 6 months ago.*

A woman wouldn’t have bought a home in Upper Uwchlan if businesses are going to be allowed to manufacture chemicals.

Meeting agendas should be more descriptive, in layman’s terms. What is the process if someone wants zoning changed or a variance? *Residents or property owners can come to the Township Office or the Planning Commission for first view and direction of what happens next.*

Mr. Goncharoff gave a brief explanation of how zoning works. The Township has a zoning map that delineates the districts, and the Ordinances (a.k.a. Codes) list what activities are allowed in each district. Each municipality is supposed to provide for all types of uses within the municipality. Between the map and the codes, folks can tell generally what can/cannot happen in each zoning district.

Mr. Goncharoff commented that he is very concerned with safety issues, as he is the Emergency Management Coordinator for the Township and the Emergency Management Planning Commission (EMCPC) Chair. Revenue won’t outweigh safety. He wants to find out what is safe or how to handle the items in question in the safest manner. He’s heard loud and clear that residents don’t want chemical tanks allowed and he wants more information before he makes his personal decision.

Mr. Donatelli adjourned the regular business meeting at 8:25 p.m. and announced a short recess would be taken to prepare for the Conditional Use Hearing.

Mr. Donatelli reconvened the evening at 8:35 p.m. The Hankin Group Conditional Use Hearing continued from January 19, 2016 was cancelled as the Application had been withdrawn.

Mr. Donatelli opened the Gunner Properties 270-290 Park Road Conditional Use Hearing continued from January 19, 2016 and asked Kristin Camp, Esq. to conduct the Hearing. Arlene LaRosa, Court Stenographer, recorded the proceedings.

Ms. Camp explained the Application, initially seeking approval for 44 townhomes has been reduced to 40 townhomes, reduced garage setback to 20' instead of 40' from the road, and individual building facades viewed from the street to exceed 60' in length. Keith Ripper and John Fincke are Parties. Ms. Camp asked if anyone else cared to become a Party of Status. There were none.

Ms. Camp entered the following Board of Supervisor Exhibits:

B-11 – Letter from Alyson Zarro to Cary Vargo amending the Conditional Use Application

Dated February 1, 2016

B-12 – Proof of Publication of the Hearing

B-13 – Affidavit of Property Posting

B-14 – Gilmore Review Letter dated February 11, 2016

B-15 – Brandywine Conservancy Letter dated February 15, 2016

Alyson Zarro, Esq., accepted the Board's exhibits. Fred Gunther, Chase Gunther, Denny Howell of D.L. Howell Associates and Mike Ryan of ARGUS were in attendance.

Ms. Zarro advised that the Plans had been revised in response to Brandywine Conservancy comments. The density has been reduced to 40 townhomes, all units are 24' wide, 3-bedroom units with 2-car garages. Another significant change was shifting the entire plan 10' to the west to provide a greater buffer area on the eastside property line. Ms. Zarro distributed Applicant's Exhibits A-16 through A-20.

Mr. Howell provided testimony and answers to Board questions that included: the end units will have front doors facing Park Road; the open space area has been shifted toward the back, farther away from Park Road, 140 parking spaces are provided (100 required), there is no plan to remove any existing trees, no on-street parking is proposed, the interior road will remain private and be maintained by the Homeowners Association,

Mr. Ryan provided a new architectural rendering showing 4 24' wide, 3 story, 2-car garage units. They'll each have 3 bedrooms and 2.5 baths. The units along Park Road will have 'side' entrances. The garage doors are brown in color (camouflaged) and 18" deep offset. The roofline is broken up with a gable on one, a dormer on another, etc. All have brick facades. Individual trash containment will be provided.

Ms. Zarro commented that while Mr. Babbitt wasn't in attendance, his updated Fiscal and Recreational Impact Report had been provided and included in the Exhibits. There were no questions regarding the Fiscal and Recreational Impact Report.

Comments and questions included the following. *Responses are in italics.*

What is the interior road width? *Twenty-eight feet.*

Are sprinklers required, and firewalls between neighbors? *Yes, sprinklers and firewalls.*

The number of homes per acre is high. If they had to include the 40' driveway as required, how many units would there be? This density doesn't lend itself to the village feel. *Mr. Howell thinks he could lay out a plan with 40' driveways and get almost the same number of units.*

Chris Williams of McMahon Associates was concerned with the sight distance to the west but that concern was addressed by lowering the berm on the property. He recommends reconstruction of the trail to Heather Hill Drive. Ms. Zarro commented they're okay with that as long as the trail is within the public right-of-way.

Mr. Donatelli asked about the impact of additional traffic at the intersection of Ticonderoga Boulevard and Route 100. Mr. Williams said he had looked at that and this development won't greatly impact that intersection.

Mr. Kerr asked Mr. Vargo if the project had public sewer confirmation. Mr. Vargo advised that the Municipal Authority tabled the discussion to their next meeting, but they'd have to pay applicable tapping fees per unit and so forth.

Dave Leh advised his previous comments about moving the recreation area away from Park Road had been satisfied and the parking has been dispersed better throughout the community so he's okay with current plan.

Ms. Camp accepted the Applicant's Exhibits into the Record, closed the Hearing at the Board's direction, and advised that the Board has 45 days to render a Decision which must be deliberated and rendered at a public meeting.

Steve McNaughton asked where the school zone signs will be located. Chris Williams advised the sign on Park Road is just east of this proposed community. Mr. McNaughton thinks there should be a sign on Ticonderoga Boulevard as well. Mr. Williams commented that if it's been a problem, the Township should look into it.

Mr. Donatelli asked for the Hearing/Record to be re-opened to note the following comments:

Will there be a stop sign or traffic light coming out of this community? *There will be stop signs exiting the development.*

Is there an ordinance for cost of housing in the Township? *Ms. Camp wasn't sure if he was speaking of "Fair Share" laws, but State codes require each municipality to have a variety of types of dwellings within the Township.*

Will the units be owned or leased? *The units will be owned.*

Ms. Camp closed the Hearing/Record and advised a Decision might be rendered at the Supervisors' March meeting.

The evening was adjourned at 9:12 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary